

Submitted by: ASSEMBLY MEMBER STOUT and
ASSEMBLY MEMBER TESCHE

Prepared by: Assembly Counsel

For reading: December 12, 2006

See AO 2006-155(S-1)

ANCHORAGE, ALASKA
AO NO. 2006-155(S)

1 AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY AMENDING
2 ANCHORAGE MUNICIPAL CODE SECTIONS 28.60.040 AND 28.60.050
3 REGARDING SPECIAL NEEDS BALLOTS TO HOSPITAL PATIENTS,
4 ALLOWING PERSONAL REPRESENTATIVE ASSISTANCE TO DISABLED
5 VOTERS, AND REQUIRING ONE ATTESTATION ON AN ABSENTEE BALLOT
6 BY MAIL.
7

8
9 THE ANCHORAGE ASSEMBLY ORDAINS:

10
11 **Section 1.** Anchorage Municipal Code section 28.60.040 is amended to read as
12 follows:
13

14 **28.60.040 Special needs voting [EMERGENCY APPLICATION].**

15
16 **A. Persons admitted as hospital patients and persons physically**
17 **prevented from voting at a polling place, may vote a special**
18 **needs ballot.**

19
20 **B[A]. Persons admitted as hospital patients [Special-needs].**

- 21
22 **1.** Any qualified voter who is an admitted [A] patient under the
23 care of a physician in a hospital [OR IN A PRIVATE HOME]
24 on the date of election and who is unable to vote in the polling
25 place of the voter's [HIS] precinct may request delivery of a
26 **special needs** ballot [TO HIM] during or after the time of
27 application for absentee ballots has elapsed ~~[, until Election~~
28 **Day]. A request for delivery of a special needs ballot**
29 **may be made either by:**

30
31 **a. Telephone; or**

32 **b. Self designation of a personal representative.**

33
34 **[SUCH REQUESTS MAY BE MADE BY TELEPHONE OR**
35 **BY A THIRD PARTY ON THE VOTER'S BEHALF.]**
36

1 **2. Delivery.** If, in the opinion of the municipal clerk, there is
2 sufficient time for **a special needs [THE VOTED]** ballot to be
3 **delivered and** returned before closing of the polls, a duly
4 appointed and sworn election official shall take the **special**
5 **needs** ballot, along with an absentee ballot application and
6 other necessary materials, to the voter.

7
8 **a.** After completing and signing [HAVING FILLED OUT
9 AND HAVING SIGNED] the application for absentee
10 ballot, the voter shall cast the special needs [HIS]
11 ballot in the manner provided in this chapter for
12 absentee voting **[IN THE OFFICE OF THE**
13 **MUNICIPAL CLERK].**

14
15 **b.** If there is doubt of the voter's qualifications, the election
16 official may request the voter [HE MAY BE
17 REQUESTED] to comply with the questioned ballot
18 procedure.

19
20 **3. Self-designation of a personal representative. See**
21 **subsection D. below.**

22
23 **C[2].** A qualified voter, with a disability preventing the voter from physically
24 going to a polling place to vote, may request pick-up and delivery
25 of a special needs ballot, through a self-designated personal
26 representative, from one of the following election officials during the
27 periods specified:

28
29 **a.** An absentee voting official on or after the 15th day
30 before an election, up to and including Election Day; or

31
32 **b.** An election supervisor on or after the 15th day before
33 an election, up to and including Election Day; or

34
35 **c.** An absentee voting official at an absentee voting
36 station designated under section 28.60.030B. on or
37 after the 15th day before an election, up to and
38 including Election Day; or

39
40 **d.** A member of the precinct election board on Election
41 Day.

42
43 **D[B].** **Special needs voting by personal representative.**

1
2 1. If a qualified voter requests a special needs ballot [~~under this~~
3 ~~section,~~ through a **self-designated personal** representative,
4 the **personal** representative shall sign a register provided by
5 an election official and include the following information:
6

7 a. The **personal** representative's name;
8

9 b. The **personal** representative's residence address and
10 mailing address;
11

12 c. The **personal** representative's social security number,
13 voter number, or date of birth;
14

15 d. The name of the voter on whose behalf the **personal**
16 representative is requesting a ballot and voting
17 materials;
18

19 e. An oath stating the **personal** representative:
20

21 i. is receiving a ballot and voting materials on
22 behalf of the voter;

23 ii. will not vote the ballot for the voter;

24 iii. will not coerce the voter;

25 iv. will not divulge the vote cast by the voter; and

26 v. has been notified that unlawful interference with
27 voting is punishable under AS 15.56.030;
28

29 f. The **personal** representative's signature.
30

31 2. *Delivery.*
32

33 a. The **personal** representative shall deliver the special
34 needs ballot and other voting materials to the voter as
35 soon as practicable.
36

37 b. The voter shall mark the ballot in secret, place the
38 ballot in the secrecy sleeve, and place the secrecy
39 sleeve in the envelope provided.
40

41 c. The voter shall provide the information on the envelope
42 same as required for voting in person by absentee
43 ballot.

d. The voter shall sign the voter certificate in the presence of the **personal** representative.

e. The **personal** representative shall sign as attesting official and date the voter's signature.

3. The **personal** representative shall deliver the ballot and voter certificate to an election official as specified in **subsection C. above, [9.28.060B.1.]** no later than 8:00 p.m. Alaska time on Election Day.

4. If a qualified voter's disability precludes the voter from performing any of the requirements of subsection **D[B].2., the **personal** representative may perform those requirements, except making the voting decision on the voter's behalf.**

5. A person shall not act as a **personal** representative for a voter if:

a. The person is the employer of the voter; or

b. An agent of the employer of the voter; or

c. An officer or agent of the union of the voter; or

d. A candidate for office in the election.

(GAAB 7.05.120, 7.05.180.B; CAC 2.68.300--2.68.330, 2.68.370, 2.68.390; AO No. 80-101; AO No. 84-139; AO No. 85-75)

Section 2. Anchorage Municipal Code section 28.60.050 is amended to read as follows (*the remainder of the section is not affected and therefore not set out*):

28.60.050 Voting absentee by mail.

*** *** ***

D. Attestation.

1. Upon receipt of an absentee ballot by mail, the voter, in the presence of a notary public, commissioned officer of the armed forces including the National Guard, district judge or magistrate, the designated United States postal official, or other person qualified to administer oaths, shall mark the ballot in secret, place the ballot in the secrecy sleeve, if provided, place the ballot in an envelope, and sign the voter's certificate on the back of the envelope in the presence of an

official listed in this subsection, who shall sign as attesting official and shall date the signature.

2. If none of the officials listed in this subsection are reasonably accessible, an absentee voter shall also certify under penalty of perjury that no official empowered to administer oaths is available, as prescribed in AS 09.63.020. In addition, the voter shall sign the voter certificate in the presence of an individual [HAVE THE VOTER'S CERTIFICATE ATTESTED BY TWO PERSONS OVER THE AGE OF] 18 years of age or older, who shall sign as a witness and attest to the date the voter signed the voter certificate in the presence of the witness.

*** *** ***

(GAAB 7.05.120, 7.05.180.B; CAC 2.68.300--2.68.330, 2.68.370, 2.68.390; AO No. 80-101; AO No. 84-139; AO No. 85-75; AO No. 86-105; AO No. 91-50; AO No. 96-13, § 1, 1-23-96; AO No. 97-135, § 3, 12-16-97; AO No. 99-113, § 3, 8-10-99; AO No. 2001-43, § 3, 2-27-01; AO No. 2004-176, § 8, 6-1-05)

Section 3. This ordinance shall become effective on the date the United States Department of Justice issues its non-objection, or on the date by which the United States Department of Justice must object, if no objection is issued within the objection period.

PASSED AND APPROVED by the Anchorage Assembly this ____ day of _____, 200__.

Chair of the Assembly

ATTEST:

Municipal Clerk



MUNICIPALITY OF ANCHORAGE
ASSEMBLY MEMORANDUM
NO. AM 917-2006

Meeting Date: December 12, 2006

From: Municipal Clerk's Office

Subject: AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY AMENDING ANCHORAGE MUNICIPAL CODE SECTIONS 28.60.040 AND 28.60.050 REGARDING SPECIAL NEEDS BALLOTS TO HOSPITAL PATIENTS, ALLOWING PERSONAL REPRESENTATIVE ASSISTANCE TO DISABLED VOTERS, AND REQUIRING ONE ATTESTATION ON AN ABSENTEE BALLOT BY MAIL.

The attached ordinance AO No. 2006-155(S) would allow the Municipal Clerk to deliver ballots to admitted hospital patients, allow disabled voters to vote with the assistance of a personal representative and require only one witness on an absentee ballot envelope, as before.

The S version changes have been made to take the opportunity to more appropriately rename this section of code; clarify the language distinguishing the two available categories of Special Needs ballots; and offer a separate section identifying the duties of the self-designated, personal representative.

Prepared by: Municipal Clerk's Office

Submitted by: Allan Tesche, Co-Chair, and Ken Stout, Co-Chair

Municipality of Anchorage
MUNICIPAL CLERK'S OFFICE
Agenda Document Control Sheet

AO 2006-155(S)

(SEE REVERSE SIDE FOR FURTHER INFORMATION)

1	SUBJECT OF AGENDA DOCUMENT SPECIAL NEEDS BALLOTS - AO 2006-155(S)	DATE PREPARED 12/12/06
		Indicate Documents Attached <input checked="" type="checkbox"/> AO <input type="checkbox"/> AR <input checked="" type="checkbox"/> AM <input type="checkbox"/> AIM
2	DEPARTMENT NAME Assembly	DIRECTOR'S NAME Daniel A. Sullivan, Chairman
3	THE PERSON THE DOCUMENT WAS ACTUALLY PREPARED BY Rhonda Westover, Deputy Municipal Attorney	HIS/HER PHONE NUMBER 343-4532
4	COORDINATED WITH AND REVIEWED BY	INITIALS
	Mayor	
	Municipal Clerk	
	Municipal Attorney	
	Employee Relations	
	Municipal Manager	
	Anchorage Parks & Recreation	
	Fire	
	Health & Human Services	
	Merrill Field Airport	
	Municipal Light & Power	
	Office of Management and Budget	
	Police	
	Port of Anchorage	
	Office of Economic & Community Development	
	Solid Waste Services	
	Public Transportation	
	Anchorage Water & Wastewater Utility	
	Executive Manager	
	Planning Department	
	Chief Fiscal Officer	
	Heritage Land Bank	
	Information Technology Department	
	Project Management & Engineering	
	Purchasing	
	Other	
5	Special Instructions/Comments	
	LAID ON THE TABLE ITEM - NEW PUBLIC HEARINGS, 14.H.2.	
6	ASSEMBLY HEARING DATE REQUESTED 12/12/06	7
		PUBLIC HEARING DATE REQUESTED 12/12/06

M.O.A.
 2006 DEC 12 AM 10:27
 CLERK'S OFFICE